

AMENDED IN ASSEMBLY APRIL 2, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1420**

**Introduced by Assembly Member Laird**

February 21, 2003

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An act to amend Sections 3033, 4181, ~~7149.4, 7149.45~~, 12000, 12002.2, and 12155.5 of the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1420, as amended, Laird. Fish and game: elk: fishing licenses.

(1) Existing law defines “disabled veteran,” for purposes of issuing a reduced fee hunting license, as a person having a 70% or greater service-connected disability and an honorable discharge from military service.

This bill would instead define “disabled veteran” for that purpose as a person having a 50% or greater service-connected disability and an honorable discharge from military service.

(2) Under existing law, any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by elk, bear, beaver, wild pig, or gray squirrels, may apply to the department for a permit to kill that animal. The department, upon satisfactory evidence of the damage or destruction, is required to ~~immediately~~ issue a revocable permit for the taking and disposition of the animal.

This bill would require the department to make certain determinations and specify certain corrective measures, prior to the issuing of a depredation permit for elk.

~~(3) Under existing law, any person who has a valid sport fishing license and a second rod stamp may fish with 2 rods in inland lakes and reservoirs in any sport fishery in which the regulations of the commission provide for the taking of fish by angling.~~

~~This bill would provide that any person who has a valid sport fishing license and a second rod stamp may fish with 2 rods under those conditions in inland waters authorized by the commission.~~

~~Existing law provides that, in the Colorado River District, any person who has a valid second rod sport fishing license affixed to his or her valid sport fishing license may fish with 2 rods.~~

~~This bill would repeal that provision.~~

~~(4) Existing~~

~~Existing law provides that any violation of the Fish and Game Code, or any regulation, rule, or order made pursuant to the code, is a misdemeanor.~~

~~This bill would instead make certain provisions relating to fishing licenses and stamps an infraction or misdemeanor.~~

~~(5)–~~

~~(4) Under existing law, the penalty for not displaying a fishing license while fishing is at least \$250 for a first offense, \$500 for a subsequent offense, and not more than \$1,000 in either case.~~

~~This bill would reduce the minimum fine for a first time violation to \$100, and \$250 for a subsequent violation. The bill would authorize a court to dismiss a charge of failing to display a license under certain conditions.~~

~~(6)–~~

~~(5) Existing law provides that any person whose license was revoked pursuant to certain provisions may appeal to the commission for reissuance of the license. Existing law provides for a public hearing prior to the commission terminating the license.~~

~~This bill would require the commission to adopt regulations and procedures governing the revocation or suspension of hunting or sport fishing privileges, which procedures shall provide for notice and an opportunity for a hearing. The bill would state that any person whose hunting or sport fishing privileges have been revoked and obtains, or attempts to obtain or possess, a hunting or sport fishing license is guilty of an infraction or a misdemeanor. Because the bill would create a new crime, the bill would impose a state-mandated local program.~~

~~(7)–~~



(6) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the department and the commission to pay all necessary expenses incurred in carrying out the Fish and Game Code, and to pay the compensation and expenses of the commissioners and employees of the commission.

By imposing new duties on the department and the commission, the bill would make an appropriation.

~~(8)–~~

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3033 of the Fish and Game Code is  
2 amended to read:

3 3033. (a) The department shall, upon application and  
4 payment of a fee, issue a reduced fee hunting license, that  
5 authorizes the licensee to take any bird or mammal as otherwise  
6 authorized pursuant to this code and regulations adopted pursuant  
7 thereto, to a disabled veteran, as defined in subdivision (b), who  
8 has not been convicted of any violation of this code. The base  
9 license fee for a reduced fee hunting license shall be four dollars  
10 (\$4) for the hunting license year beginning on July 1, 1995, and,  
11 for the following years, this license fee may be annually reviewed  
12 and adjusted in accordance with Section 713.

13 (b) “Disabled veteran” means a person having a 50 percent or  
14 greater service-connected disability and an honorable discharge  
15 from military service. The person shall be eligible upon  
16 presentation of proof of an honorable discharge from military  
17 service and proof of the disability. Proof of the disability shall be  
18 by certification from the United States Department of Veterans’  
19 Affairs or by presentation of a license issued pursuant to this  
20 section in the preceding license year.

1 SEC. 2. Section 4181 of the Fish and Game Code is amended  
2 to read:

3 4181. (a) Except as provided in Section 4181.1, any owner or  
4 tenant of land or property that is being damaged or destroyed or is  
5 in danger of being damaged or destroyed by elk, bear, beaver, wild  
6 pig, or gray squirrels, may apply to the department for a permit to  
7 kill the mammals. Except as provided in subdivision (d), the  
8 department, upon satisfactory evidence of the damage or  
9 destruction, actual or immediately threatened, shall issue a  
10 revocable permit for the taking and disposition of the mammals  
11 under regulations adopted by the commission. The permit shall  
12 include a statement of the penalties that may be imposed for a  
13 violation of the permit conditions. Mammals so taken shall not be  
14 sold or shipped from the premises on which they are taken except  
15 under instructions from the department. No iron-jawed or  
16 steel-jawed or any type of metal-jawed trap shall be used to take  
17 any bear pursuant to this section. No poison of any type may be  
18 used to take any gray squirrel pursuant to this section. The  
19 department shall designate the type of trap to be used to insure the  
20 most humane method is used to trap gray squirrels. The  
21 department may require trapped squirrels to be released in parks  
22 or other nonagricultural areas. It is unlawful for any person to  
23 violate the terms of any permit issued under this section.

24 (b) The permit issued for taking bears pursuant to subdivision  
25 (a) shall contain the following facts:

26 (1) Why the issuance of the permit was necessary.

27 (2) What efforts were made to solve the problem without  
28 killing the bears.

29 (3) What corrective actions should be implemented to prevent  
30 reoccurrence.

31 (c) With respect to wild pigs, the department shall provide an  
32 applicant for a depredation permit to take wild pigs or a person  
33 who reports taking wild pigs pursuant to subdivision (b) of Section  
34 4181.1 with written information that sets forth available options  
35 for wild pig control, including, but not limited to, depredation  
36 permits, allowing periodic access to licensed hunters, and holding  
37 special hunts authorized pursuant to Section 4188. The department  
38 may maintain and make available to these persons lists of licensed  
39 hunters interested in wild pig hunting and lists of nonprofit



1 organizations that are available to take possession of depredating  
2 wild pig carcasses.

3 (d) With respect to elk, prior to issuing the depredation permit  
4 pursuant to subdivision (a), the department shall do all of the  
5 following:

6 (1) Verify the actual or immediately threatened damage or  
7 destruction.

8 (2) Determine the viability of the local herd, and determine the  
9 minimum population level needed to maintain the herd.

10 (3) Specify any corrective measures necessary to alleviate the  
11 problem and reduce damage that has occurred or is threatened to  
12 occur, including regulating hunting pursuant to Sections 325 and  
13 332.

14 ~~SEC. 3. Section 7149.4 of the Fish and Game Code is~~  
15 ~~amended to read:~~

16 ~~7149.4. (a) It is unlawful for any person to fish with two rods~~  
17 ~~without first obtaining a second-rod sport fishing stamp, in~~  
18 ~~addition to a valid California sport fishing license and any~~  
19 ~~applicable stamp issued pursuant to subdivision (a) of Section~~  
20 ~~7149, and having that stamp affixed to his or her valid sport fishing~~  
21 ~~license. Any person who has a valid second-rod sport fishing~~  
22 ~~stamp affixed to his or her valid sport fishing license may fish with~~  
23 ~~two rods in inland waters authorized by the commission in any~~  
24 ~~sport fishery in which the regulations of the commission provide~~  
25 ~~for the taking of fish by angling.~~

26 ~~(b) The department or an authorized license agent shall issue a~~  
27 ~~second-rod sport fishing stamp upon payment of a base fee of~~  
28 ~~seven dollars and fifty cents (\$7.50) during the 1995 calendar year~~  
29 ~~and subsequent years, as adjusted under Section 713.~~

30 ~~(c) This section does not apply to licenses, permits,~~  
31 ~~reservations, tags, or other entitlements issued through the~~  
32 ~~Automated License Data System.~~

33 ~~SEC. 4. Section 7149.45 of the Fish and Game Code is~~  
34 ~~amended to read:~~

35 ~~7149.45. (a) It is unlawful for any person to fish with two~~  
36 ~~rods without first obtaining a second-rod sport fishing validation,~~  
37 ~~in addition to a valid California sport fishing license and any~~  
38 ~~applicable validation issued pursuant to subdivision (a) of Section~~  
39 ~~7149.05, and having that validation affixed to his or her valid sport~~  
40 ~~fishing license. Any person who has a valid second-rod sport~~

1 ~~fishing validation affixed to his or her valid sport fishing license~~  
2 ~~may fish with two rods in inland waters authorized by the~~  
3 ~~commission in any sport fishery in which the regulations of the~~  
4 ~~commission provide for the taking of fish by angling.~~

5 ~~(b) The department or an authorized license agent shall issue a~~  
6 ~~second-rod sport fishing validation upon payment of a base fee of~~  
7 ~~seven dollars and fifty cents (\$7.50) during the 1995 calendar year~~  
8 ~~and subsequent years, as adjusted under Section 713.~~

9 ~~(c) This section applies only to licenses, permits, reservations,~~  
10 ~~tags, and other entitlements issued through the Automated License~~  
11 ~~Data System.~~

12 ~~SEC. 5.—~~

13 *SEC. 3.* Section 12000 of the Fish and Game Code is amended  
14 to read:

15 12000. (a) Except as expressly provided otherwise in this  
16 code, any violation of this code, or of any rule, regulation, or order  
17 made or adopted under this code, is a misdemeanor.

18 (b) Notwithstanding subdivision (a), any person who violates  
19 any of the following statutes or regulations, as those statutes or  
20 regulations read on January 1, 2003, is guilty of an infraction  
21 punishable by a fine of not less than one hundred dollars (\$100) or  
22 more than one thousand dollars (\$1,000), or of a misdemeanor:

23 (1) Subdivision (a) of Section 6596.

24 (2) Section 7149.8.

25 (3) Section 7360.

26 (4) Section 1.74 of Title 14 of the California Code of  
27 Regulations.

28 (5) Sections 2.00 to 8.00, inclusive, of Title 14 of the California  
29 Code of Regulations.

30 (6) Sections 27.56, 27.65, and 27.70 of Title 14 of the  
31 California Code of Regulations.

32 (7) Sections 27.85 to 30.10, inclusive, of Title 14 of the  
33 California Code of Regulations.

34 (8) Sections 40 to 43, inclusive, of Title 14 of the California  
35 Code of Regulations.

36 (9) Sections 550 to 553, inclusive, of Title 14 of the California  
37 Code of Regulations.

38 (10) Sections 630 to 630.5, inclusive, of Title 14 of the  
39 California Code of Regulations.

40 ~~SEC. 6.—~~

1     *SEC. 4.* Section 12002.2 of the Fish and Game Code is  
2 amended to read:

3     12002.2. (a) Notwithstanding any other provision of law, a  
4 violation of Section 7145 or of a regulation requiring a license to  
5 be displayed is an infraction, punishable by a fine of not less than  
6 one hundred dollars (\$100) or more than one thousand dollars  
7 (\$1,000) for a first offense. If a person is convicted of a violation  
8 of Section 7145 or of a regulation requiring a license to be  
9 displayed within five years of a separate offense resulting in a  
10 conviction of a violation of Section 7145 or of a regulation  
11 requiring a license to be displayed, that person shall be punished  
12 by a fine of not less than two hundred fifty dollars (\$250) or more  
13 than one thousand dollars (\$1,000).

14     (b) If a person is convicted of a violation of Section 7145 or of  
15 a regulation requiring a license to be displayed and produces in  
16 court a license issued pursuant to Section 7145 and valid at the time  
17 of the person's arrest, and if the taking was otherwise lawful with  
18 respect to season, limit, time, and area, the court may reduce the  
19 fine imposed for the violation of Section 7145 or of the regulation  
20 requiring a license to be displayed to twenty-five dollars (\$25).

21     (c) If a person is charged with a violation of Section 7145 or of  
22 a regulation requiring a license to be displayed, and produces in  
23 court a lifetime sportsman's license issued in his or her name  
24 pursuant to Section 714, and if the taking was otherwise lawful, in  
25 terms of season, limit, time, and area, the court may dismiss the  
26 charge.

27     (d) A person shall not be charged or convicted for both a  
28 violation of Section 7145 and a regulation requiring a license to be  
29 displayed for the same act.

30     ~~SEC. 7.—~~

31     *SEC. 5.* Section 12155.5 of the Fish and Game Code is  
32 amended to read:

33     12155.5. (a) The commission shall adopt regulations and  
34 procedures governing the revocation or suspension of hunting or  
35 sport fishing privileges. The regulations shall provide for notice  
36 and opportunity for a hearing.

37     (b) Any person, whose license was revoked pursuant to Section  
38 12154, 12155, or 12156, may appeal to the commission for  
39 reissuance of the license and termination of the prohibition against  
40 taking of fish, reptiles, amphibians, or birds or mammals.

1 (c) After a public hearing at which the person has appeared in  
2 person, the commission may terminate the prohibition and  
3 authorize the issuance of a license if it finds that there are sufficient  
4 mitigating circumstances to warrant that action.

5 (d) It is unlawful for a person whose hunting or sport fishing  
6 privileges have been revoked or suspended to obtain or attempt to  
7 obtain, or to possess a hunting or sport fishing license, permit, or  
8 tag during that suspension or revocation period.

9 (e) Any person who violates subdivision (d) is guilty of an  
10 infraction punishable by a fine of not less than one hundred dollars  
11 (\$100) or more than one thousand dollars (\$1,000), or of a  
12 misdemeanor.

13 ~~SEC. 8.~~—

14 *SEC. 6.* No reimbursement is required by this act pursuant to  
15 Section 6 of Article XIII B of the California Constitution because  
16 the only costs that may be incurred by a local agency or school  
17 district will be incurred because this act creates a new crime or  
18 infraction, eliminates a crime or infraction, or changes the penalty  
19 for a crime or infraction, within the meaning of Section 17556 of  
20 the Government Code, or changes the definition of a crime within  
21 the meaning of Section 6 of Article XIII B of the California  
22 Constitution.

